

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

ROBEL KELETA GOITOM,

Defendant.

NO. CR17-132 JCC

GOVERNMENT'S SENTENCING MEMORANDUM

Defendant Robel Keleta Goitom comes before the Court for sentencing after pleading guilty to one count of being a *Felon in Possession of a Firearm*, in violation of Title 18, United States Code, Section 922(g)(1), and one count of *Bank Fraud*, in violation of Title 18, United States Code, Sections 1344(1) and (2). The United States, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Jessica M. Manca, Special Assistant United States Attorney for said District, respectfully asks the Court to follow the joint recommendation of the parties and Probation and impose a sentence of 24 months imprisonment, followed by three years of supervised release.

United States believes that a 24-month sentence, combined with federal supervision, substance abuse treatment, and moral recognition therapy, appropriately

1 balances the aggravating and mitigating factors of these offenses and Robel Goitom's
 2 personal background, as explained in greater detail below.

3 **I. FACTUAL BACKGROUND**

4 **A. The Bank Fraud Scheme.**

5 In early 2016, investigators in King County began to gather evidence about an
 6 extensive credit card fraud scheme perpetrated by numerous individuals, known and
 7 unknown, throughout the Puget Sound region. The scheme involved purchasing stolen
 8 customer bank account numbers and personal identification numbers (PINs) through the
 9 internet,¹ and encoding the stolen bank account numbers onto the magnetic stripes of
 10 counterfeit access devices. The names and account numbers embossed on the front of the
 11 access device did not match the name and account number that were encoded on the
 12 card's magnetic stripe:



21 In other words, "Ricardo Augustin" was not the bank account holder, and "4293 9384
 22 3564 0145" was not the bank account number encoded on the magnetic stripe of this
 23 counterfeit VISA/Chase debit card.

24
 25
 26
 27 ¹ "The building blocks for identity theft are for sale on the dark web, a hidden part of the internet that people access
 28 through special browsers such as Tor, I2p and Freenet." CNBC, "The dark web is a fraudster's bargain-hunting
 paradise," <https://www.cnbc.com/2018/06/29/the-dark-web-is-a-fraudsters-bargain-hunting-paradise.html> (last
 visited July 3, 2018).

1 Conspirators would often emboss their own names on the counterfeit access
 2 devices. During a fraudulent transaction, when a cashier checked the conspirator's
 3 identification as a security measure, the conspirator's name matched the name on the
 4 front of the counterfeit access device.

5 Counterfeit access devices and stolen bank account numbers have been used to
 6 purchase hundreds of thousands of dollars in gift cards and money orders at stores like
 7 QFC, Fred Meyer, Bartell Drugs, and Saar's Super Saver Foods. Conspirators would
 8 also use automated teller machines (ATMs) to check the account balances for stolen
 9 bank account numbers, before taking using the stolen bank account numbers to make
 10 fraudulent purchases.

11 In early 2017, Robel Goitom was identified as a likely participant in this scheme
 12 after investigators found him in possession of multiple counterfeit access devices and a
 13 fraudulent New Jersey state driver's license in the name "Hobel Gobo." Through further
 14 investigation, Detective Hill identified numerous fraudulent gift card purchases at QFC
 15 and Fred Meyer that were associated with either Goitom's Washington state driver's
 16 license number or the New Jersey driver's license for "Hobel Gobo."

17 **B. The Relevant Offense Conduct on February 22, 2017.**

18 On February 22, 2017, a 911 caller reported a BMW driving erratically on
 19 Interstate-5, near Lynnwood, Washington. The Washington State Patrol responded to
 20 investigate the driver and registered owner of the vehicle, Robel Goitom. Goitom was
 21 arrested for driving under the influence, driving with a suspended license, and driving
 22 without an ignition interlock device, and his BWM was impounded under Washington's
 23 mandatory impound law.

24 During an inventory search of the vehicle, the impound lot owner discovered a
 25 loaded Glock handgun in the BMW's glove compartment. The owner notified law
 26 enforcement, who obtained a search warrant for the vehicle and recovered the handgun
 27 from the glove compartment. Goitom's latent fingerprints were identified on the
 28 handgun.

1 Detectives also recovered nine counterfeit access devices from the BMW, some
 2 of which were in Robel Goitom's name, and some of which had no names embossed on
 3 the cards at all. None of the bank account numbers on the front of the cards matched the
 4 bank account numbers encoded on the cards' magnetic stripes. All of the bank account
 5 numbers had been stolen.

6 Only one of the stolen bank account numbers had sustained a fraud loss. That
 7 account belonged to J.K.G., who lives in New York City. When J.K.G. saw the
 8 fraudulent transaction in the amount of \$2,851.74, she notified her bank, J.P. Morgan
 9 Chase. The bank verified the fraud, refunded the money back to J.K.G.'s account, and
 10 charged the fraud loss back to the merchant.

11 J.K.G.'s bank records showed that the fraudulent transaction had taken place on
 12 December 18, 2016, at Saar's Super Saver Foods in Renton, Washington. Her stolen
 13 bank account number and PIN had been used to purchase \$2,851.74 in money orders.
 14 Surveillance video showed Robel Goitom checking J.K.G.'s account balance at an ATM
 15 shortly after the transaction at Saar's.

16 II. PROCEDURAL HISTORY

17 On May 3, 2017, a grand jury indicted Goitom on one count of being a felon in
 18 possession of a firearm on February 22, 2017. Dkt. No. 11. Around the same time,
 19 Snohomish County District Court charged Goitom with misdemeanor offenses of
 20 driving under the influence, driving with a suspended license, and driving without an
 21 ignition interlock device arising out of the same February 22nd incident.

22 On October 18, 2017, the grand jury returned a superseding indictment charging
 23 Goitom with additional counts of bank fraud and aggravated identity theft related to his
 24 use and attempted use of victim J.K.G.'s financial information. Dkt. No. 23.

25 Goitom pleaded guilty in this case on March 12, 2018. Through a global
 26 agreement, Goitom was transferred to Snohomish County in May 2018 to resolve his
 27 pending driving offenses. He pleaded guilty to those offenses, sentence was imposed,
 28 and Goitom returned to federal custody for sentencing in this Court. In Snohomish

1 County, the sentencing judge recommended that the Snohomish County matters run
 2 concurrently to any sentence imposed in this federal case. The government joins in that
 3 recommendation.

4 **III. STATUTORY PENALTIES**

5 The offense of *Felon in Possession of a Firearm* carries a maximum penalty of 10
 6 years imprisonment, a fine of up to \$250,000, a period of supervision following release
 7 from prison of up to three years, and a mandatory \$100 special assessment. PSR ¶¶ 81,
 8 88.

9 The offense of *Bank Fraud* carries a maximum penalty of 30 years imprisonment,
 10 a fine of up to \$1,000,000, a period of supervision following release from prison of up to
 11 five years, and a mandatory \$100 special assessment. PSR ¶¶ 81, 83, 87-88.

12 **IV. THE SENTENCING GUIDELINES CALCULATION**

13 The United States agrees with Probation that Goitom's total offense level (after
 14 acceptance of responsibility) is 17. PSR ¶¶ 14-34. The government also agrees that
 15 Goitom has 10 criminal history points, which places him in Criminal History Category
 16 V. PSR ¶¶ 36-45. Consequently, the government agrees that Goitom's Sentencing
 17 Guideline range is 46 to 57 months in custody. PSR ¶ 82.

18 **V. RESTITUTION**

19 Pursuant to the plea agreement, the parties request that the Court order restitution
 20 in the amount of \$2,851.74, to Saar's Super Saver Foods. This is the amount of the
 21 fraudulent bank transaction charged in Count 2 of the superseding indictment. This
 22 amount was withdrawn from victim J.K.G.'s J.P. Morgan Chase bank account to
 23 purchase money orders at Saar's Super Saver Foods in Renton, Washington. When
 24 J.K.G. reported the fraud, J.P. Morgan Chase refunded the money to her account and
 25 charged the loss back to the merchant, that is, Saar's Super Saver Foods.

VI. THE UNITED STATES SENTENCING RECOMMENDATION

The government shares Probation’s concern about Goitom’s escalating pattern of criminal activity and his risk of recidivism. Probation Sentencing Recommendation at 3. In 2016 and early 2017, Goitom had no legitimate employment. Instead, he was stealing quick and easy money from the bank accounts of innocent strangers. While he was involved in this bank fraud scheme, he was also abusing alcohol, unlawfully carrying firearms, and associating with dangerous criminal co-conspirators.

There are red flags in Goitom's criminal history. Almost all of his prior convictions involved angry outbursts or substance abuse, and Goitom has been sanctioned for probation violations in several of his prior cases. PSR ¶¶ 36, 38-40. It is particularly troubling that Goitom was arrested for this felony firearm offense while he was pending trial for another felony firearm offense. PSR ¶ 43. Goitom's future success will depend largely on whether he finally commits to conditions of supervision, including substance abuse treatment, and avoids new law violations.

These concerns notwithstanding, the parties joint sentencing recommendation also recognizes the mitigating factors in this case. First, the government agrees with the defense that Goitom's guideline sentencing range is somewhat overstated. Goitom receives two additional Criminal History Category points from the Snohomish County misdemeanor sentence that arises from this same incident. PSR ¶ 44. Those two additional points move Goitom from a Criminal History Category IV (with a sentencing range of 36 to 47 months) to a Criminal History Category V (with a sentencing range of 46 to 57 months).

Second, Goitom's criminal history, although extensive, consists primarily of misdemeanor offenses with short periods of incarceration. Before this case, Goitom's lengthiest prior sentence was 60 days for a probation violation. PSR ¶ 38. In this context, a 24-month prison sentence is a proportional increase that affords adequate deterrence and provides just punishment for the offense.

1 Third, the parties' joint sentencing recommendation accounts for Goitom's
2 personal history and characteristics, which include his painful struggles with substance
3 abuse, racism, and other childhood trauma. PSR ¶¶ 59-63. The government is also aware
4 that, shortly before this incident, Goitom was brutally beaten by two of his
5 acquaintances and barely escaped that encounter with his life. PSR ¶ 66. After that
6 incident, Goitom has a strong personal reason to move away from the criminal lifestyle
7 that almost killed him.

8 2. The combination of a near-death experience, two years of imprisonment,
9 three years of federal supervised release, substance abuse treatment, moral recognition
10 therapy, and educational opportunities could be a powerful force for change in Goitom's
11 life. Ultimately, Goitom is the only person who will decide whether 2017 was a genuine
12 turning point for him. On balance, and for the forgoing reasons, the government agrees
13 with the defense and Probation that a 24-month sentence is sufficient but no greater than
14 necessary to effect the goals of sentencing in this case.

15
16
17
18
19
20
21
22
23
24
25
26
27
28

VIII. CONCLUSION

The United States respectfully asks the Court to follow the joint recommendation of the parties and Probation and sentence Goitom to 24 months imprisonment, followed by three years of supervised release. The United States also asks the Court to impose the conditions set forth in the Presentence Report.

DATED this 3rd day of July, 2018.

Respectfully submitted,

ANNETTE L. HAYES
United States Attorney

/s/ Jessica M. Manca
JESSICA M. MANCA
Special Assistant United States Attorney
United States Attorney's Office

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2018, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the attorney of record for the defendant.

/s/ Becky Hatch
BECKY HATCH
Legal Assistant
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, Washington 98101
Phone: (206) 553-4161
Fax: (206) 553-0755
Email: Becky.Hatch@usdoj.gov